

Deceptio intelectus & Visus.

OR THE
Lawyers VViles
UNMASKED.

Being the Plain Innocent Mans Path-Way, for a speedy end at a cheap Rate, in any perplexed or troublesome Cause, without Multitudes, or any Bauling or wrangling Lawyers to obscure the Truth, by their Jeering, and endeavouring to daunt all that shal speak either as Partee, Friend, Witnæss or otherwise; which hath been too common.

By Edm. Leach, of London, Merchant.

To all Impartiall Readers, and especially those who have been, are, or are in danger to be in such, or the like Cases hereafter Related.

HAVING been severall times a Traveller in that part of *America* called *New-England*, and there finding most Causes of all sorts brought to a speedy and just End, at small charges and trouble (in some Courts for 2^s. 6^d. others for 3^s. 4^d. and the highest for 10^s. without having any Lawyers by their Art to make the Cause seem difficult. The Court

consisting of several Magistrates, would examine all Witnesses, thereby to finde out the truth; and if any should speak for his friend, and aver any thing which he did not know to be true, or could not prove, he would be lookt upon as one that would discredit any business that ever he should appear in for time to come, and the very worst of men there would shun his company:) And now of late coming into my Native Country, and finding one neerly related unto me to be much troubled, turmoyled, wasted, and disabled in his Estate, by perplexed and tedious Suites, which I finde have been of 23 years continuance at least, I thought good (after I had looked into the Causes and finding them just and conscionable by Records and severall Depositions of many honest credible Witnesses, and severall other materiall proofs) to undertake the prosecution of those Suites to a period; hoping here (where hath been accounted the best Laws in the world to be made and exercised before corruption crept in) and especially in those times of expectation of the most speedy and best Reformation of Religion and Law in the world, I doubt not (although the Petitioners Petition by reason of some defects and mistakes is laid aside) But that after the Petitioner shal have a Petition new drawn (with amendments and Additions of Matter, in a new Petition to be done by Council Learned and honest) to see, or hear of the matter to be again resumed and full and speedy justice done as anciently hath been without any Rubbs by reason of any forged falshoods or cavilations of any long winded Lawyers whatsoever. But after I had undertaken the same and found such windings and turnings among them far beyond any Foxes or Juglers, that no honest man is able to deal with them in the way of their Trade. Therefore I have thought it convenient and necessary (not onely for the satisfaction of my friends present and absent when I encountered with some such Lawyers, but of all others who be, shal, or may be so perplexed, and for a president of prevention for them) to publish this particular Case

to the world, that all may judg whether I have cause to repent of what I have done, in standing against some of the great ones of the world in a just cause, or go on still in my prosecution, the which by the help of the Lord I am resolved to do, except I see better reason to the contrary then yet I do; hoping that some of the honest people of this Nation will joyn with me in petition to the Supream Authority (the Fathers of the Commonwealth) for making a Law for Redress of such like Grievances in the future, which to be effected is the desire of him, who is a Hater of Unrighteousness and Injustice, and a Lover of plain down-right dealing, Truth, and honesty.

E. L.

The state of this particular Case in these Suits
stands thus :

THe Petitioner before mentioned is
Henry More at the } Plaintiff against *Thomas Wright*.
Common Law---

And the said *Henry* } Defendant at the Suit of *T. Wright*.
More in Chancery }

Henry More at } Plaintiff against *Sir John Lenthal*.
Common Law }

The same *Henry* } Defendant at the Suit of *Sir Jo. Lenthal*.
More in Chancery }

Also the said *H. More* } Defendant at the Suit of the said
in the then Kings Bench } *Sir Jo. Lenthal*.
and *London* in several }
Suits, _____ }

The said *H. More* } Plaintiff against *Mary Wright* Admini-
in Chancery, } stratrix of *T. W.*

Also the said *H.* } Defendant at her Suit.
More in Chancery }

And now *H. More* } Petitioner against *Sir Jo: Bramston*
in Parliament, } and *Sir Thomas Malet Kts.*

First, I shall set forth the Petition to the Parliament, which followeth in these words, (*viz.*)

To the Supream Authority, the Parliament for the Commonwealth of ENGLAND.

The humble Petition of *Henry More Merchant*,
Sheweth,

THat your Petitioner having Judgment against one *Thomas Wright* for 7007 li. and 1 s. and having him in execution for the same in the Custody of *Sir John Lenthall Kt.*; and the said *Sir John* suffering the said *Wright* to escape: Your Petitioner brought his action of debt against *Sir John Lenthall* for the same, and filed his Declaration in *Hillary Term* the 2 of *February, 1641.* at which time the said *Wright* was escaped, and at liberty: And by the Rules of the then *Kings Bench*, where the Judgment was had, and the Action brought, Judgment was to be entered according to the Rules of the said Court. But to prevent the same, *Sir John Bramston* and *Sir Thomas Malet Kts.*, ordered your Petitioners Declaration to be filed, as of *Easter Term, 1642.* by which time the Prisoner was dead: And by those Orders your Petitioner barred from his Judgment due, and all proceedings upon that Declaration filed, as aforesaid; and defrauded of his Debt, and made remedies, except only against the said Judges, who made the said Orders contrary to Law and Equity, and to your Petitioners utter undoing.

The Premisses considered, and for that your Petitioner hath no remedy herein in any Court of this Nation, or otherwise, but by this Supream Authority (as he is advised by many learned Counsel,) May it please your Honors to take this matter into your serious Consideration, and order the same to be examined, and your Petitioner relieved, as your wisdoms shall think fit.

And your Petitioner shall pray, &c.

To

To the Petition the Judges made their appearance upon the 29 of Sept. 1653. and made a long and tedious relation impertinent to the matters in question: Thereupon the said Committe made an Order in these words following.

Thursday, Sept. 29. 1653. *At the Committee for Petitions.*

UPon hearing of Sir John Bramston and Sir Tho. Malets Answers this day to the Petition of Henry More Merchant, it is ordered, That the sixth of October next be appointed for a further hearing and examining the matter of Fact upon the said Petition; the Petitioner is then to prove, That his Declaration mentioned in his Petition was filed in Hillary Term, 1641. That the said Sir John Bramston and Sir Tho: Malet ordered the said Declaration to be filed in Easter Term after, and that the said Order and Alteration was contrary to Law.

Anth. Row.

Then were the Petitioners proofs made good (that is to say) That the Declaration was filed in *Hillary Term*, 1641. the Order made by the late Judges Sir John Bramston and Sir Tho. Malet, and that that Order for altering the filing of the Declaration from one Term to another to be contrary to Law, by these Statutes following:

1. *Viz.* Anno 9 Hen. Tertii Cap. 29. in these words, *we shall sel to no man, we shall deny nor defer to no man, either Justice or Right, &c.*

2. Anno 2 Edw. Tertii Cap. 8. *It shall not be commanded by the great Seal nor the little Seal to disturb or destroy common Right; and although such Commandment do come, the Justices shall not cease to do Justice in any point, &c.*

3. Anno 15 Edw. Tertii Cap. 1. *They shall do even and execution of Right to all rich and poor, without having regard to any person.*

And a Gentleman Councel for the Petitioner related truly the course of the Court of the Kings Bench as it was.

Whereupon a Gentleman replied, and at first began with smooth language, but in the end injuriously fell foul on the

Petitioners Counsel, calling him a Gentleman of the Long Robe (although he himself of the same Profession,) taxing him with not knowing the Law, nor the course of that Court of Kings Bench, where the Declaration was so filed; alledging untruly, that a Copy of it according to the course of that Court should have first been delivered to Sir Jo. Lenthall; whereas in truth there was no such course nor custom in that Court when the Declaration was so filed, nor many years before, nor since, as ever I could hear of, nor is the Law so, nor can or will he in writing aver the same so to be; but I have heard the contrary affirmed by Practizers in that Court, since the matter was in some debate in the Painted Chamber at *Westminster*, before that honorable Committee of Parliament for Petitions; and for any such Order to be made since, there is none to be found; neither if any, were they of any force as concerning that Declaration being filed before.

But the Judges brought one Witness who only said (as far as I remember) that he conceived it to be the practise of the Court, to deliver Declarations or Copies thereof to privileged persons the same Term that they were filed. And another Gentleman, being a Practizer in the same Court also, being called in and sworn on the Judges behalf, was demanded the same, or some of the questions as the first Gentleman was, who did not say so much as the first, but contrary (as I have been since informed,) I having so many to oppose me, and none who did or would at all help me or any to testify or reveal any thing to me in this Cause (because against such powerful persons) but what they were strictly examined unto, and brought to answer by command; and the Judges having many coming willingly at the first call, or without any sending for at all, some of which being present at that Debate were called to testify; But (as I have been informed by some standing near them since) after some whispering of some of the Judges party, the taking of their oaths was spared: And I have

have been informed by many since the matter in agitation before the said honorable Committee, that many, if they should be called in upon their oaths, can and must testifie, that the course of that Court of Kings Bench when the said Declaration was so filed, was, and yet is, that any man who hath cause of Action against any priviledged person in that Court, may in his own proper person (being the most ancient usage) or by his Attorney, file, or cause to be filed a Declaration against such priviledged person within any Term (and as some of them say any time before the continuance day, being about three or four days next after such Term,) and that the giving to him, or to his usual Attorney or Agent in that Court, a Copy or notice of the filing of such Declaration any time before the essoyn day, being about three or four days before the next subsequent Term, is sufficient to compel such person priviledged, as aforesaid, to answer to the same, that subsequent Term, or else to enter Judgment against him: And most Practizers, with whom I have confer'd about these businesses, have informed me, that the like may be done to enforce an Answer, or obtain Judgment to be entered, if such Declaration should be filed, and no Copy thereof delivered, or any notice given until another Term, although a year or divers years after, or the essoyn day of the then subsequent Term, in which the Plaintiff shall call for and obtain Rules to answer to be entered: And the major part of ancient Practizers say, that it is but in courtesie (so that a Declaration be filed) to give any copy, or so much as notice thereof, to any that have appeared in that Court, but that in Law they (being intended to be under custody of the Marshal) or some for them, ought to take notice of, and answer to what Declarations be or shall be in the same Court filed against them, or otherwise Judgment to be entered at the prayer of the Plaintiff or his Attorney hath been accustomed, and by Law and of right ought to be entered against such Defendant for such Plaintiff, and in Justice not denyed or delayed: And the same custom hath

hath been and is, and the Law is so against such Marshall upon and for the same reason, and much more stronger, being always (while the Court is open) there present in person, or so intended, and some of his Agents or Officers are never missing, who are to, and do attend upon all his occasions there.

And some Ancient Clerks are of opinion, that after a Declaration filed against a privileged person in that Court, the course and custome hath been and the Law is (as I am advised by Council) and doubt not but to make good, he ought to answer from day to day, or Judgement to be en-

This the Judges Council allowed & confessed, which if I had had time to speak to at large, I should have made appear did contrary and confound a great part of that which he spake on the behalf of the Judges.

tered against him at the prayer of the Plaintiff, And some of those that were called on the behalf of the Judges and not sworn, and other practizers standing amongst them if they had been sworn and strictly examined on the behalf of the Petitioner, could, and must have testified some of them all, and the others of them the greatest part, as I have here set forth on the behalf of the Petitioner.

And after the Gent. Council for the Judges thought he had given me a check (saying, *He himself had sat in such places as did the honorable Committee*, and in a frowning manner, *that he did not use to hear such language from such a fellow as I was*, (as I conceive) to dash me out of countenance, and cause the Honorable Committee, and the company standing by, to have an ill opinion of me, spinning out time in vain, by impertinent, and untrue repetitions, until the night drew on, purposely to weary out the Committee and those that stood about them, and to bring into, and leave the Cause in a fog raised from the mud and Jakes houses at S. Katherines, that it might never be found again: all which matters used by him I could and would have answered and cleared on the Petitioners behalf, and left his first old Chancery Clyents in the Mists, Mazes, and Labyrinths into which he imagineth hee hath

hath driven the Petitioner, whom I doubt not but cleerly to bring out. And as for the Language he said concerning me, I shal say but little, but that I say shall be truth only, and not any knowing untruth, and I will not willingly take or detain any thing of any mans against his will, which I shall not deserve, nor disclose any thing of any mans that wil trust me, w^{ch} shal prejudice him; but as I have, so I hope I shal in a conscionable way (by the Lords help) maintain my self and family, without taking any such course as to take money of men, and so cause them to let the whole weight of heir Causes lye upon me, and never come to perform that which I was hired to do (by which it may be, a whole family is ruined) nor keep the money and papers of a Clyent eight or ten dayes, by which time I might pick out what I could, and then send all back again the day before Tryall and turn to be council on the other side, neither ever was it my trade to study how to daunt all that should speak either as Partee, Friend, or Witness, thereby to pervert Justice, and cause Righteousness to be carried out of the true channel.

And after the Gen^r. had cavilled what he could against the Petitioners proofs and made what he could of the slender testimonies on his Clyents behalf then to stave me off before I could have time to reply to what untruths were alledged; for further to any impertinent or flourishing cavillations I neither then did intend to speak, to trouble the honorable Committee or company about them, nor now to spend writing and paper in vain; but because words presently go into the ayr, and vanish on a sudden, and so may not be remembered by many of the parties present when they were uttered, and so to be accounted of some validity against the Petitioner, whereby the Petition did not take effect (as some of the Petitioners adversaries have boasted,) though what they said or urged against the equity or lawfulness of the Petitioners Cause was of no more force against it then a feather in the wind.

But I finding the Perition ready drawn, and conceiving the Petitioner had had it viewed by Council. I obtained it to be

read before I shewed it to any Council, (some of whom afterwards informed me that it was defective,) upon which as I beleieve the proceedings upon the same are stayed, yet I hope upon a new Petition to be well drawn by advice of Council (if I can procure any) the matter of the first Petition supplied with other, will be resumed again, and the Petitioner have relief therein: But because my Acquaintance should not think the Cause quite lost until it can be set right again, I shall first repeat the effect of the worst that was said against the Equity of the same,* which (as I

** This is a meer fiction, and so proved by the several proceedings in Chancery.*

take it) was, that the Bond of 7000^l. upon which the Judgment was obtained, was gained by fraud and circumvention, by intricing *wright* into a room or chamber in St. *Katherines*, having a privy-house or trap-door hanging over the Thames, and there forcing him to seal the Bond without consideration.

** The decretal Order then made was grounded upon the oaths of Wallis and Waleworth, the one indicted and proved a cheat, the other after the oath made fled; no decree ever signed or enrolled, nor colour of proof to ground any such decree upon.*

It appears by some Orders, that the Gentleman was of Counsel in the Cause, and may be acquainted therewith, and where the infamy and foulness lies, I shall shew immediately.

* And that thereupon the Lord Keeper, *Coven-try*, decreed the Bond to be delivered up to be cancelled, which never was, but the Bond violently taken from *More* in open Court.

The truth of the matter hereafter-followeth, which Mr *Maynard*, speaking largely at the Debate before the Committee, seemed to take notice of, saying, That it was an Infamous Cause, and that he knew it, being acquainted therewith all along, and at the beginning, and that it was the foulest Cause that ever came under *Westminster* Roof; which indeed had been so, if all the lyes which *wright* put in his Bill, and all that the Lawyers have said, had been true. A Bill indeed was

exhibited against Mr *More* (and his only Witnesses to the Bond, which were three) by *Wright* in Chancery in the sixth year of *Carolus Rex*, and therein was alledged, * That Mr *More* did draw and entice *Wright* into a Tavern in St Katherine into a Room (at the foot of the stairs of which was a Trap-door hanging over the Thames) and that money being paid to *Wright* by *More*, which *Wright* pretended *More* owed him, through fear *Wright* sealed and executed the Bond in question.

* Nothing at all of this proved in the Books, or otherwise.

* Mr *More* and his three Witnesses, the other Defendants, answered, and denied all practise and circumvention; but said, that the Bond upon payment of money by *More* to *Wright* * was willingly and freely sealed and executed, and that Mr *More* parted from Mr *Wright* lovingly from the house, where he stayed behind above an hour after, and seemed very well pleased.

* This positively all proved by those three Witnesses, being examined by order of Court.

* And confessed after by *Wright* (before three other substantial and credible Witnesses also examined in Chancery) to be freely and willingly done.

Some Witnesses were examined on the behalf of *Wright*, but spake nothing to the matters in question: Yet he obtained a hearing in the Cause about two or three Terms after his Bill exhibited; at which Mr *Noy*, being one of his Council, said to the said *Wright*, he could not help him: and the Lord Keeper *Coventry* said, that he found no cause of relief for *Wright*, but ordered, That Breefs should be made of the Cause on both sides, the one to avoyd the Bond, and the other to support it, and then he would hear the Cause again upon the Breefs.

Mr *More* thereupon caused Breefs to be made, and feed divers Council about the business against another hearing, which he expected; But afterwards out of all course the L. Keeper *Coventry* sent for *More* to attend the Court with his

Bond, and he attending with it there, the Lord Keeper (having other Judges with him unacquainted with the former proceedings) heard two *Viva Voce* Witnesses, the one named *Robert Wallis*, the other *Francis Waleworth*, one of which afterwards confessed, that *Wright* gave him 50 s. to swear for him, and had promised to give him 50 s. more; the other stood convicted at *Newgate* for a Cheater, and otherwise a grievous Offender.

** This for the most part in the decretal Order, of which the Gentleman made such a noise, which he would have been ashamed of, if he had repeated the whole truth, which I shall express by and by.*

** Of this I can make good proof by Viva Voce Witnesses, if need be.*

his pockets rifled, and all things there taken out; and the Bond not being found there, his hands in Court also were violently unclasped, and his Bond being there found, was taken from him by force, or, as he hath often said, robbed of it: And an Issue (of *per minus*) being entered, and thereupon *Wright* being informed that he was in danger notwithstanding the Bond was taken from *Mr More*, he caused the Lord Keeper several times to have the decretal Order signed, that he might have a Decree made and enrolled thereupon: But his Lordship being informed (as it is proved in another Suit in that

I have heard say, that Wright did report also, that he gave 1500 l. of the 2000 l. to the L. K. and that he gave his Secretary a Sute and Cloke lined through with Plush, besides 100 l. in money.

** And thereupon in the presence of those Judges, so unacquainted as aforesaid, and sitting still and saying nothing, the Lord Keeper made a decretal Order, * That the Bond should be delivered up to be cancelled; and commanded More to deliver it up in Court, which he refused; then by command of the Lord Keeper Coventry violent hands were layd on Mr More, and*

Court concerning the same matter) that the subornation and perjury of the *Viva Voce* Witnesses was publique, and that *Wright* had boasted much of the said Order, and told it about, that he had

now accomplished his end, although it cost him dear, near about two thousand pounds, and that one of the Witnesses were run away, * and that the other was found a common Cheat and Swearer for mony, and otherwise a hay-nous Offender, the Lord Keeper never did, but refused to sign the decretal Order so highly esteemed of: But let the Gentleman consider of these lines, and say what more he please, and he shall hear further from me. And after the death of the L. Keeper C. it was several times moved before the Lord *Littleton* to be done, besides other things inconvenient; But *Wright* and his Council were denyed, after they had put *Mr More* to great charges, long attendance, trouble, labour and travel.

* And so since he hath been found several times convicted, as was made so to appear in the Lords House of Parliament; and for such things were so taken notice of by the Lords Commissioners for the Great Seal.

In *Hillary Term*, 16 *Car. Rex* (after a verdict before the Lord Chief Justice *Bramston*) *Mr More* obtained a Judgment in the Court of Kings Bench upon the Issue before mentioned, being for 7000 *l.* upon the Bond with damages and costs: And in *Michaelmas*, 17 *Car. Rex*, *Wright* was charged in execution for it, in the custody of Sir *J. L.*

then Marshal, &c. And *Wright* being so Proved in the Depositions in Chancery.

2000 *l.* and security for the residue of the Debt; all the same appearing to be due by the proceedings in Chancery under the great Seal of *England*. But before any part thereof was satisfied, Sir *J. L.* suffered *Wright* to escape out of

Witnesses to prove
escape now dead.

execution. *Mr More* in *Hillary Term*, 17 *Car. Rex*, ten days before the end of the Term, caused an Action of Debt to be brought for the Debt and Damages, and then filed a Declaration against the said Sir *J. L.* for the same; and he, to deprive *Mr More* of his Debt, and remedy for the same, in *Trinity Term*, 18 *Car. Rex* (only by Affidavit, deposing that he

had not a copy of the Declaration delivered until *Easter Term*, and that he had retaken *Wright* in the Vacation before *Easter Term* then next before, notwithstanding that Mr *More* had several Rules against Sir *J. L.* for Judgment upon the said Declaration so filed,) he the said Sir *J. L.* in *Trinity Term*, 18. (although he had before promised to bring in his Plea, and failed, having taken warning for tryal) procured an Order to be made by Sir *Jo. Bramston* and Sir *Tho. Malet* in

If Judges can or have power to alter the filing of Declarations (let it be upon what ground soever they can pretend) without the consent of both parties, no man can be safe to recover any debt whatsoever.

open Court the first, and confirmed the second day, that the Declaration filed in *Hill. Term*, 17. *Car. Rex* should stand filed as of *Easter Term*, 18 *Car. Rex*, upon the motion of Mr *More* (by his Council) against it, by which motion cause was shewed to the contrary. And

for that Mr *More* (being advised that that Order if it should stand would deprive him of his Debt) several times moved in Court and otherwise, and moved those Judges to alter the same, but could not prevail; and that notwithstanding the earnest solicitation of Mr *More* for his judgment of the Court above four years to his great expences, travel and trouble, after about 15 Orders made in the Cause, the said Order was confirmed.

And the said Sir *J. L.* made a great buffle in the Chancery, exhibiting his Bill there, and setting forth all the lyes and scandals (in the said Bill of old *Wright* mentioned) which were forged and feigned as aforesaid: And notwithstanding Mr *More* denied the same in his Answer, and made it appear in the proceedings and proofs in the Cause of the Widow *Wright* (Administratrix of the said *Thomas Wright* concerning the matter in question) which was dismissed; and by his proofs in the Suit, wherein he obtained a Decree in Chancery against her, Sir *J. L.* obtained an Injunction at the Rolls before his Brother (which after, before the Lords Commissioners

missioners was ordered to stand dissolved, unless Sir *I. Lenthall* would confess a Judgment of 7007 *l.* and 15. at the Suit of Mr *More*, and to reserve what Equity would afford, which was principally ordered upon the pressing of Mr *William Okeham* Soliciter for Mr *More* for the dissolution of the Injunction after Council had given it almost over; but after the Injunction was so moved to be dissolved, and pronounced by the Lords Commissioners, Mr *Newdicate*, one of the Council for Mr *More*, moved further for a release of Errors, which was also assented to by the Court, and ordered, or otherwise the Injunction to stand dissolved. And before or after Sir *I. L.* had obtained the Injunction to be granted or continued by the Speaker, which was after damped by the Lords Commissioners, unless, &c. Sir *I. L.* never to this day confessed any Judgment to or at the Suit of the said Mr *More*, nor gave unto him any release of Errors, and therefore from that time to this the Injunction standeth and remaineth dissolved: Yet notwithstanding the Judges layd that as a stumbling block in the Petitioners way; and before * Sir *J. L.* to disable Mr *More* of prosecution for the escape, arrested him upon an Action of 1000 *l.* in London, and having no cause of Action against him, neither did nor durst declare nor proceed after he had forced him unto, and perceived

This it seemeth the Judges had notice of, and had seen the papers of Wright and Sir J. L. otherwise why should they send to Mr Okeham to retain him in this Cause for them, and to offer him money, which he refused? and they and their Council find out the mud and filth in St. Kathelines to throw upon Mr More, which they did or might see in Wrights Books was endeavored before, but missed, and fell upon Wright.

If they had imagined they had had just defence, what need they to urge such untruths, and offer the Committee such vain things to interrupt their urgent occasions?

** He had provided a Habias Corpus to remove Mr More into his own custody, if he could not have procured bail, and yet he did swear that he set no Officer a work, &c.*

that he could and did put in good bayl. And Sir J. L. threatened the like also to Mr Okeham, Solicitor for Mr

Sir J. L. left never a stone unturned. More, and had Officers employed for that purpose, who told Mr Okeham, if he would not leave being Solicitor in that

Cause, he would be undone: But after Sir J. L. being taxed for it in the Court of Kings Bench, he denied it, although Mr Okeham proved it, and made Sir J. L. sware, that he had no action or cause of action against him the said Mr Okeham: And that also Sir I. L. (conceiving the Friends of Mr More,

** I heard that Sir J. L. should say that he was about matching one of his daughters, and because Mr More did say he had a Judgment, &c. the match was broke off, which was to his damage 2000 l. as he pretended.*

who would bayl him, to be out of London) caused him to be arrested upon an attachment of priviledg * at the Suit or him the said Sir I. L. (being difficult to put in or find bayl to,) and required and demanded bayl thereupon for 2000 l. which Mr More was constrained unto, and by chance did

provide and put in bayl, I my self being one, and provided the other.

And after that Sir I. L. declared against Mr More for words (that is to say) that he had a Judgment against him for above 7000 l. and after surceased proceedings thereupon, because it appeared that Mr More had such a Judgment against him the said Sir I. L. and therefore Mr More is voyd of all remedy in the premisses, but in the Supream Court of Parliament.

The Iudges, to make themselves innocent, pretend that they thought they did Justice when they made those Orders, and that now they do not remember upon what grounds they made them.

To this I say, That so might the forty four Justices have said, which appears in the 239 page of the *Mirror of Iustice* to be condemned by King *Alfred* for their misdemeanors;

but it seems that neither could nor would serve the turn, for they did undergo the pains and penalties of the Law: and those Judges, *Sir John Brampton* and *Sir Tho. Malet*; had no more colour or ground for their judgment in their Orders, then the old Judges for theirs.

But the long-winded daring and daunting Lawyer saith, That sometimes Orders in Court are made upon *Affidavits* in writing, which after be of late years filed in Court (although anciently not so,) and that the Judges might have cause shewn, which now they do not remember, and that some things are beleaved and some not beleaved by some in Court.

To this I answer, I wonder how any such ought to be beleaved, who feign things which they know to be untrue, and set a bold face upon them (as though they were as true as the Gospel) to run the other party upon a Lee shore. And the Gentleman cavilleth at the filing of the Declaration, although he did see it under the hand of *Mr Hoddesdon*, who he said was accounted as honest a man as ever was Secondary of the Kings Bench Office, that it had been examined and reported to be filed in *Hillary Term*, and the Rules now in question, and divers other Rules made in the Cause, and the same was and can be made appear by Witnesses, against which there neither is or was any exception taken.

And further, to make it appear and manifest that the Judges might have been informed upon what grounds they made the first of these two Orders in question, *Mr Keeling* who made, and *Sir Jo. Lenthall* who caused that first motion to be made, be yet living, and well known to the Judges, and so is *Mr Edward Harris*, who made the second of those motions. By those and many Officers of the Court might the Judges have been well informed of all circumstances in the business, especially being the Judges, or at least one of them have been from year to year and from time to time called upon, and desired to afford or help the Petitioner

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* *I heard that Sir J. L. should say that he was about matching one of his daughters, and because Mr More did say he had a Judgment, &c. the match was broke off, which was to his damage 2000 l. as he pretended.*

who would bayl him, to be out of London) caused him to be arrested upon an attachment of privileged* at the Suit or him the said Sir I. L. (being difficult to put in or find bayl to,) and required and demanded bayl thereupon for 2000 l. which Mr *More* was constrained unto, and by chance did

provide and put in bayl, I my self being one, and provided the other.

And after that Sir I. L. declared against Mr *More* for words (that is to say) that he had a Judgment against him for above 7000 l. and after surceased proceedings thereupon, because it appeared that Mr *More* had such a Judgment against him the said Sir I. L. and therefore Mr *More* is voyd of all remedy in the premisses, but in the Supream Court of Parliament.

The Iudges, to make themselves innocent, pretend that they thought they did Justice when they made those Orders, and that now they do not remember upon what grounds they made them.

To this I say, That so might the forty four Justices have said, which appears in the 239 page of the *Mirror of Justice* to be condemned by King *Alfred* for their misdemeanors;

but

but it seems that neither could nor would serve the turn, for they did undergo the pains and penalties of the Law: and those Judges, *Sir John Bramston* and *Sir Tho. Malet*, had no more colour or ground for their judgment in their Orders, then the old Judges for theirs.

But the long-winded daring and daunting Lawyer saith, That sometimes Orders in Court are made upon *Affidavits* in writing, which after be of late years filed in Court (although anciently not so,) and that the Judges might have cause shewn, which now they do not remember, and that some things are beleaved and some not beleaved by some in Court.

To this I answer, I wonder how any such ought to be beleaved, who feign things which they know to be untrue, and set a bold face upon them (as though they were as true as the Gospel) to run the other party upon a Lee shore. And the Gentleman cavilleth at the filing of the Declaration, although he did see it under the hand of *Mr Hoddesdon*, who he said was accounted as honest a man as ever was Secondary of the Kings Bench Office, that it had been examined and reported to be filed in *Hillary* Term, and the Rules now in question, and divers other Rules made in the Cause, and the same was and can be made appear by Witnesses, against which there neither is or was any exception taken.

And further, to make it appear and manifest that the Judges might have been informed upon what grounds they made the first of these two Orders in question, *Mr Keeling* who made, and *Sir Jo. Lenthall* who caused that first motion to be made, be yet living, and well known to the Judges, and so is *Mr Edward Harris*, who made the second of those motions. By those and many Officers of the Court might the Judges have been well informed of all circumstances in the business, especially being the Judges, or at least one of them have been from year to year and from time to time called upon, and desired to afford or help the Petitioner

to relief in the premisses, both while they were in Office or Iudicature, and since; but always

They might have assisted the Petitioner to procure the Order to be altered, seeing that Sir Jo: Bramston many years since did so much take notice of it, as to say, that if he had not been put out of Office, he would have altered it, &c.

hitherto delayed and refused, and never stirred or went about to have the said Orders altered since they have been out of Office, but suffered the Petitioner hitherto to groan under this sad oppression. There is a strong presumption, that there was some under-hand dealing between the Iudges and

Sir J. L. for never the like act was known to be done, or so much as heard of before, during all the time that they sate as Iudges in that Court, and therefore I think all that they have said cannot excuse them; but they are as faulty in this, as the old Iudges before mentioned of those things for which they were condemned.

And further, they endeavor to excuse themselves, because nothing is proved that they took for making those Orders, and therefore they are not to be questioned.

To this I say, Did the late Lord Chief Justice *Richardson*, or late Justice *Bartlet*, excuse themselves for taking insufficient Bayl, though nothing were proved against them for so doing? were they not compelled to pay the Debts themselves? Or were the old Iudges before cited excused because that it was not proved, that they gained any thing by what they did? And were not some Iudges questioned, and turned out of Office, and fined, and ordered to pay damage, for adjudging the Ears of some persons to be cut off, and sentenced to other miseries? And the like for many other offences, though nothing proved for so doing, too long now to enumerate, but much more may be said when opportunity serve.

And these Iudges, Sir *John Bramston* and Sir *Tho: Malet*, especially one of them, had continued long enough in that place of Iudicature to have had more judgment then to be ignorant

norant that they might make such Orders upon such *Affidavits*, that he had not a copy of that Declaration in time; for that he only deposeth in his *Affidavit*, that he did not receive the Declaration until within *Easter Term*; and if he had not had notice of the filing of it in *Hillary Term* before, it is likely he would have deposed that as well as the other; and therefore it cannot but be presumed, but that he had notice of it in that Term in time; although it were sufficient for the Petitioner to have his Declaration stand of *Hillary Term*, without removing, being a Rule was then given, and entered that Term, of which Sir *I. L.* ought and could not but to take notice: and yet if he should have had no notice before the Declaration was given to him, the Judges could at the most but have given him imparlance until the next Term after that he had notice, without any alteration of the Declaration.

And the Judges might as well as make the Orders aforesaid, order any Declaration, filed within the time in the Statute of Limitation, to be filed when the time is out and past, when the Plaintiff should not have the benefit of his Action: And they may as well, when a Declaration shall be filed for money due upon a Bond, order, that the Declaration shall be filed at a time before the date of the Bond when there is no cause of Action: And so in all Cases by such means the Plaintiffs may lose their Actions, and totally their debts and demands therein, lawfully due and owing to them.

1. This I thought good for several causes to publish: First, That I could not get any body (who could) to sort my papers readily out as the Judges had and did, and also to prompt their Council, and no body to help me at all, nor appear without compulsion, nor speak any thing but what was drawn from them by questions.

2. For that it may clearly appear to all unbyassed persons who shall read the same, how much the Petitioner hath been and is dampnified by those Orders; for if Sir *Iohn Lenthall*

had not suffered *Wright* to escape, the Petitioner had had 2000 *l.* down above eleven years since, and security for the rest, which he offered while he was a Prisoner; and after he had escaped flew off, and said he had compounded with Sir *I. L.* better cheap, and therefore Sir *I. L.* was the cause of the loss of the debt of *Wright*; and the Judges for the obtaining the same of Sir *I. L.* by reason of the Orders.

3. To the end that a good cause may not be thrown into the dirt by any decretal Order grounded upon untruths, and would not abide the light when it was questioned, but was dampned long since upon solemn debate by many learned Council on both sides, before divers Lords and other Commissioners of the Supream Court of Parliament; and the justness of the Causes of Mr *More* against *Wright* made good, and the Bond questioned to be entered into and delivered upon good ground and really (and not as in the scandalous decretal Order,) all which is manifested by the inrollments of a Decree in the Court of Chancery in one Cause, concerning the said Bond for Mr *More* against the widow *Wright*, Administratrix of the said *Thomas-Wright*, and of a dismissal in another Cause, wherein she was Plaintiff against Mr *More*.

4. Because the common report is in the City of *London*, that the matter in the decretal Order standeth as truth in many places, by reason Mr *More* hath had such multitudes of adversaries, which have divulged those falshoods abroad, and few of his friends or others yet know the truth of the carriages in these Causes, or take notice of the clearing of the scandals, and manifestation of the lawfulness and justness of the Petitioner his Cause in all Courts, I thought good to publish this short Abstract thereof, hoping that after I have thoroughly taken advice about the business, I shall procure another Petition to be drawn (with enlargements and amendments) against the aforesaid Judges; So at present I shall cease to write further of these things until the said Petition shall

shall be prepared, unless I shall hear of something from any of the adverse party (which if they please, and can write any thing to purpose against what I have here published) and then they shall soon hear from me again.

5. That those who be, have been, or may be in danger to be perplexed in the like kind, may find out and seek the same remedy; not doubting but some will joyn with me in a Petition to be presented to the Supream Authority for a Law to be made, That (in every perplexed or troublesom Cause, before any Court be pussed with lying or wrangling Lawyers, which hath been too frequent of late years, they having been usuallly fined for such things in ancient times) after a Petition or Complaint exhibited & admitted into any Court, the Defendants may answer, and the Complainants or Petitioners reanswer or reply the one after the other, as long as any new matter be or shall be introduced (and that to be without wilful untruths or impertinency under a penalty) until the matters therein to be in issue shall be stated; and that such writings may be read in Court, and no person constrained to hire many Lawyers to con the matter without Book, as is now used, few or no single Lawyer being either able or willing to carry so much in memory, and many times by misrepeating or opening, and omissions of proceedings in writing by Councel, many people have been undone, and others received much damage.

And that according to the good and equitable Order which the honorable Committee for Petitions have made for Petitioners, for setting of the proofs in the margin of Petitions, that the like may be done by the Defendants, or other parties, of all which they shall contend for, or endeavor to prove, hoping that the Lord will give a blessing to the endeavors of our noble Legislators, speedily to do and perform the necessary work of this Nation.

The principal matters concerning the Cause aforesaid, are;

1. **T**HAT *Thomas Wright* became bound to *Henry More* in a Bond of 7000 *l.* in the year 1629. and the Bond being put in Suit, the said *Tho. Wright* pleaded *per minus* at Common Law, then immediately fled to the Chancery, where he put in a Bill stuffed full of lyes and scandals, one whereof being, that he was forced to seal the Bond, but proved nothing at all which had any colour of any such practise.
2. That *Henry More* did by three Witnessees prove the Bond sealed freely and willingly, all being present at the execution thereof; and also by three more, which several days afterwards did hear *Tho. Wright* acknowledg, that he had sealed and delivered such a Bond, and if it were to do again he would do it, and that he did it upon good consideration.
3. That *Tho. Wright* did hire two Witnessees to swear [*Viva Voce,*] which were accepted of by the Lord Keeper *Coven-try*, contrary to the course of the Court of Chancery, at which time he made an Order, That *H. More* should immediately deliver up his Bond to be cancelled, which being refused, some of the standers by were commanded to take it away, who readily and violently performed the same.
4. That *Tho. Wright* several times after moved the said Lord Keeper to have the said decretal Order signed, which was refused, because it suddenly came to his Lorpships ear, that the two Witnessees were found out to be such as aforesaid; the one confessing and run away, and the other standing convicted at *Newgate* for a common Cheat and Swearer for mony: and that *T. Wright* had made his brags of the said Order.

Order, but said, that it cost him near 2000 *li*.

5. That when *H. More* had spent much money (at Common Law and in Chancery) in the prosecution of his Suit for the space of about eleven or twelve years, he obtained (after a Verdict before the Lord Chief Justice *Brampton*) a Judgment for 7007 *l*. and 12 *d*.

6. That *Tho. Wright* was charged in Execution (in the custody of Sir *J. Lenthall*) and then proffered *H. More* 2000 *l*. or more in money, and security for the rest; but before the money paid, or the security given, *T. Wright* met *H. More* in London, where he joined him, and said, that he had made his composition with Sir *J. L.* upon better terms.

7. That *H. More* then brought his Action against Sir *J. L.* for the escape, and filed his Declaration in *Hillary* Term, 1641. ten days before the end thereof, and Rules were given and out that Term, and no Plea put in, so that Judgment was due; and that a Copy of the Declaration was given to his usual Attorney, and notice also to him the said Sir *J. L.* himself within the said Term, which was more than *H. More* need to have done, the filing of a Declaration against an Officer of the Court (chiefly a Marshal) being sufficient (without any notice) and warranted by the Law of this Nation.

8. That Sir *J. L.* took the best course he could to disable *H. More*, (besides his prosecution of unjust feigned Indictments, which cost at least 1000 *l*. to defend and clear) Sir *J. L.* arrested him at one time in an Action of 1000 *l*. then upon an attachment of priviledg for 2000 *l*. by which he thought to have layd him up safe.

9. That Sir *J. L.* endeavored to have *H. More* brought into

into his own custody, and at his own Suit.

10. That Sir J. L. perceiving that (as he ought to have done) he was in danger of paying the said 7007 *l.* and 12 *d.* procured Sir Io. Bramston and Sir Tho. Malet to make an Order; That the Declaration filed in *Hillary* Term 1641. should stand filed as of *Easter* Term 1642. (when the said *T. Wright* by Sir I. L. was brought into prison again, and two or three days after dead, and the estate made away,) contrary to Law and the course of that Court.

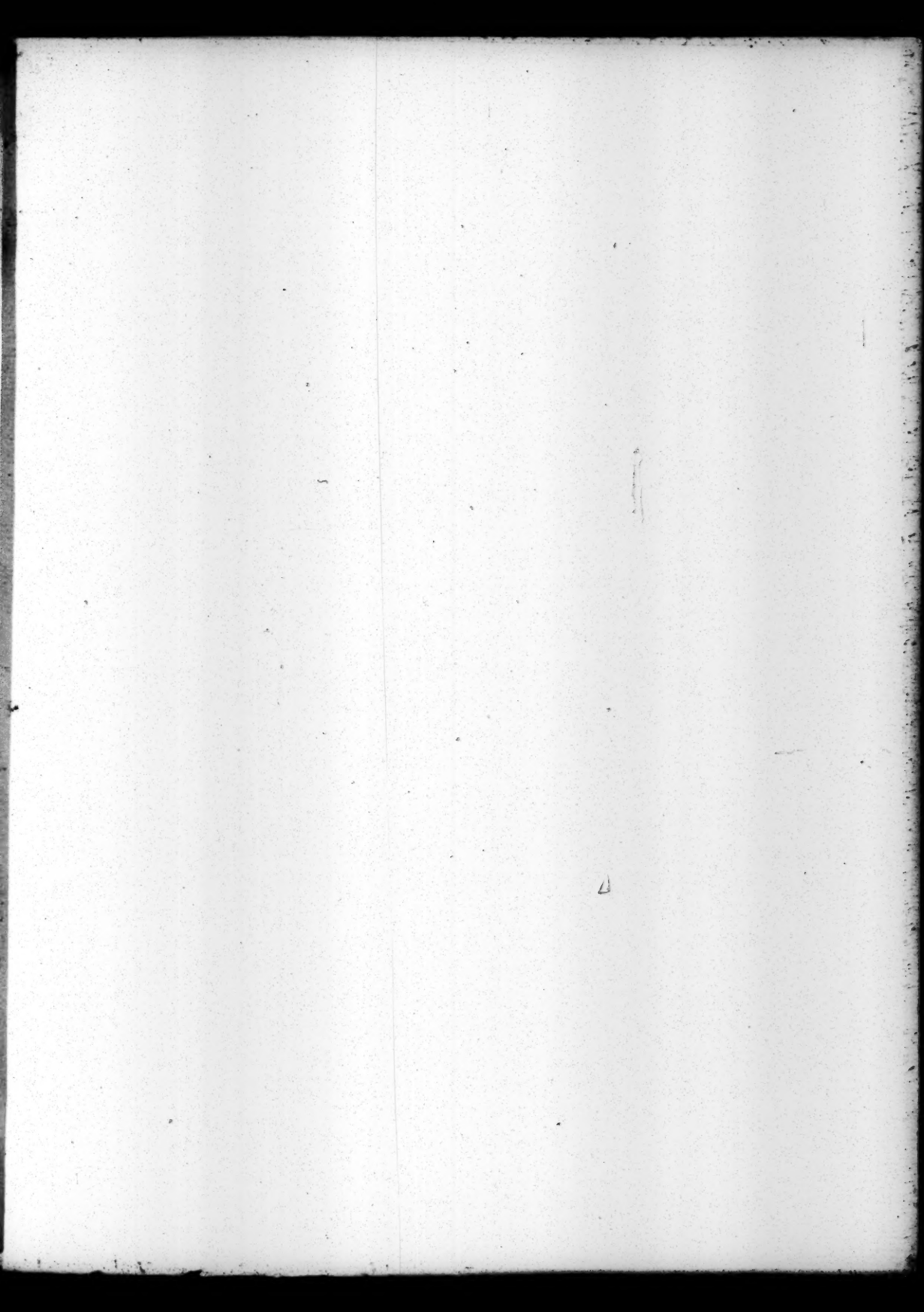
11. That by the practise of Sir I. L. *H. More* was deprived of having satisfaction of *T. Wright*, and then the Judges made him remediless, by taking the cause of Action off from Sir I. L. so that if the Gaoler may free the Prisoner, and the Judges the Gaoler, and not to be questioned, all Debts whatsoever may be destroyed.

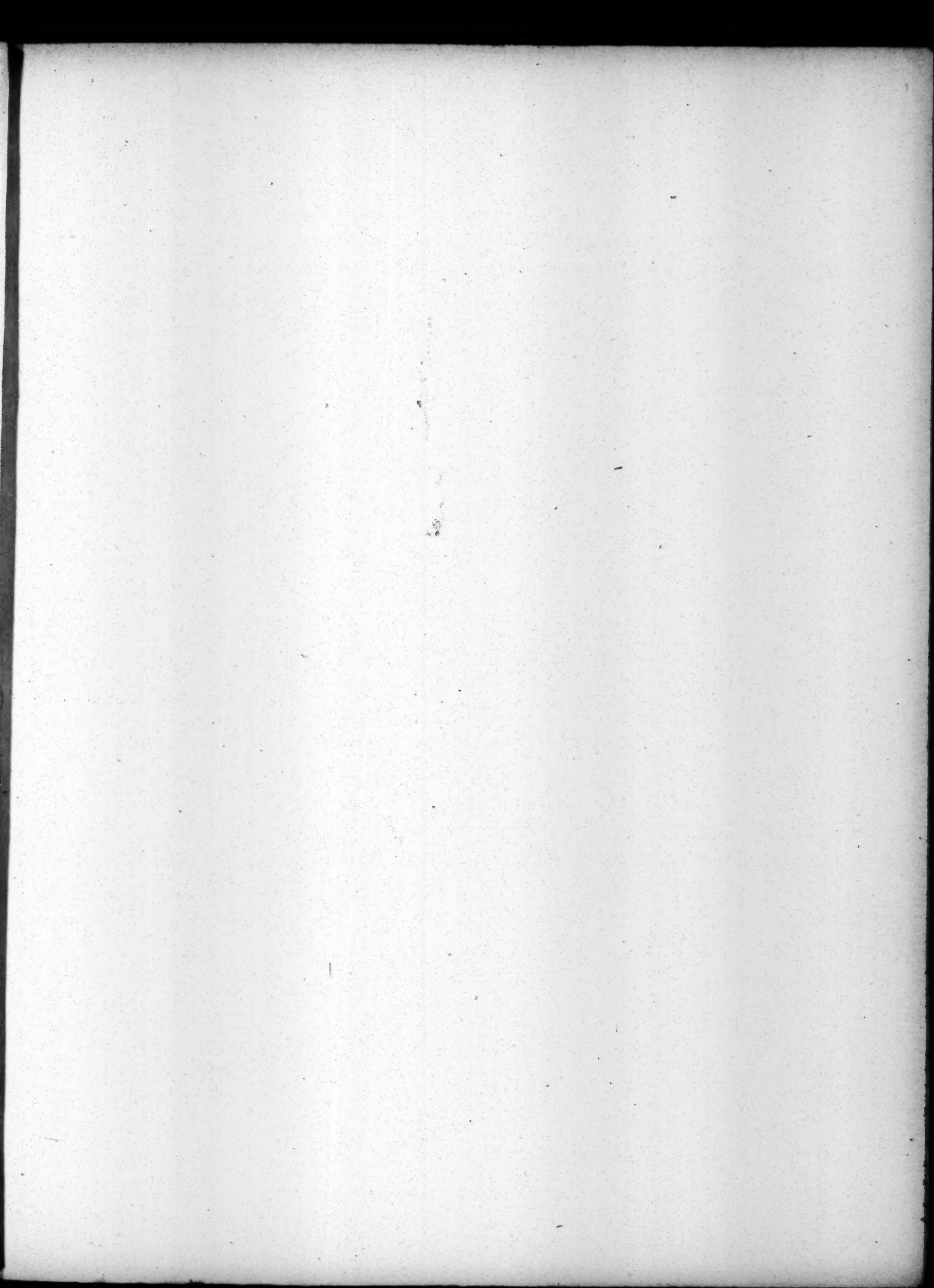
12. That the Judges chief end of making the said Order must be to free Sir I. L. because if they should not have done it, he must have paid the Debt; for I cannot hear of any body that can remember, or have heard of any such Order ever made by any Judges neither before nor since.

13. That Judges (by the Law) ought to satisfy all parties wronged by reason of their doing Injustice, whether it can be proved they got any thing thereby or not.

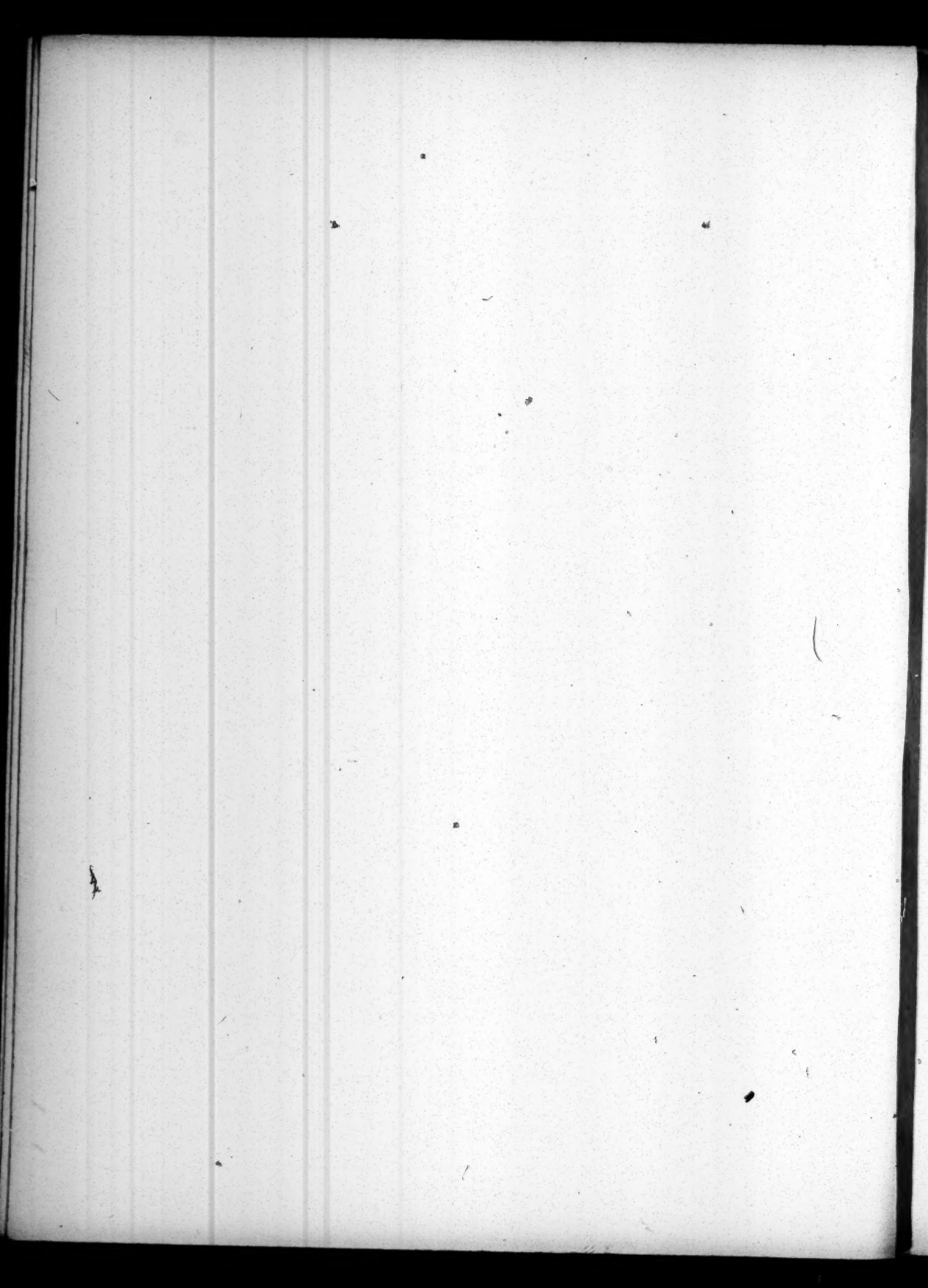
14. That Lawyers anciently (in *England* and other Countries) were fined for affirming any thing (in the face of a Court) untrue.

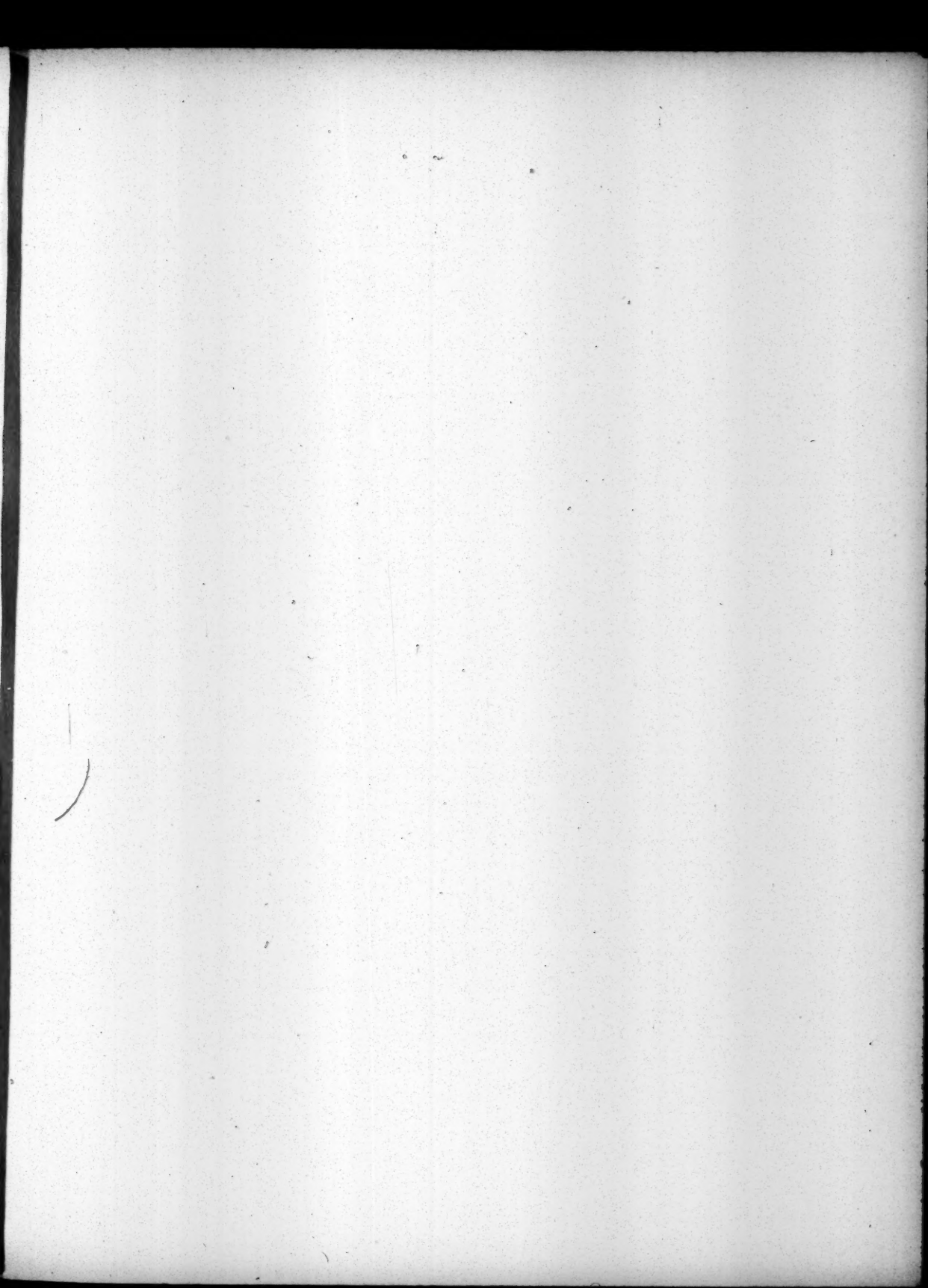
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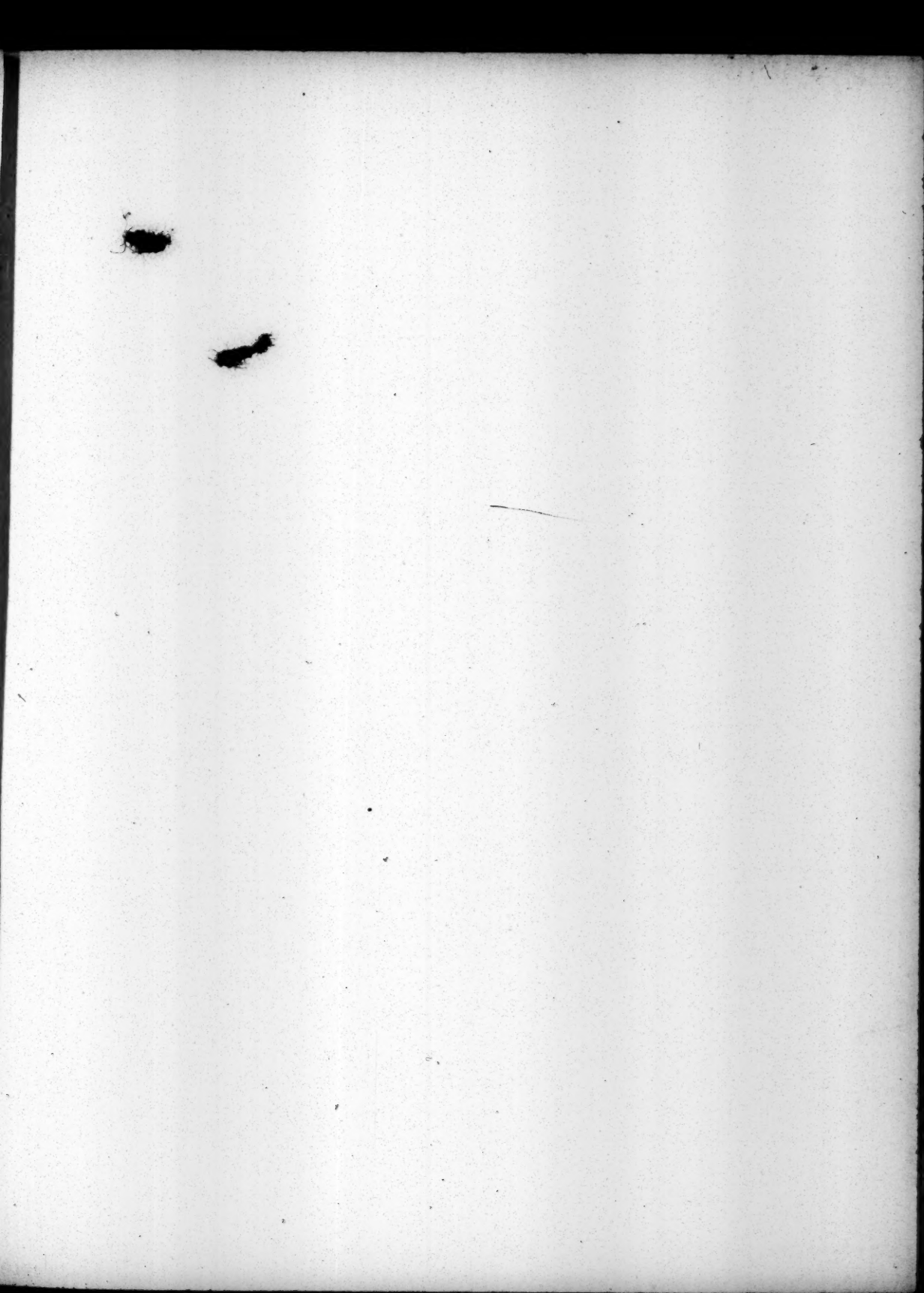




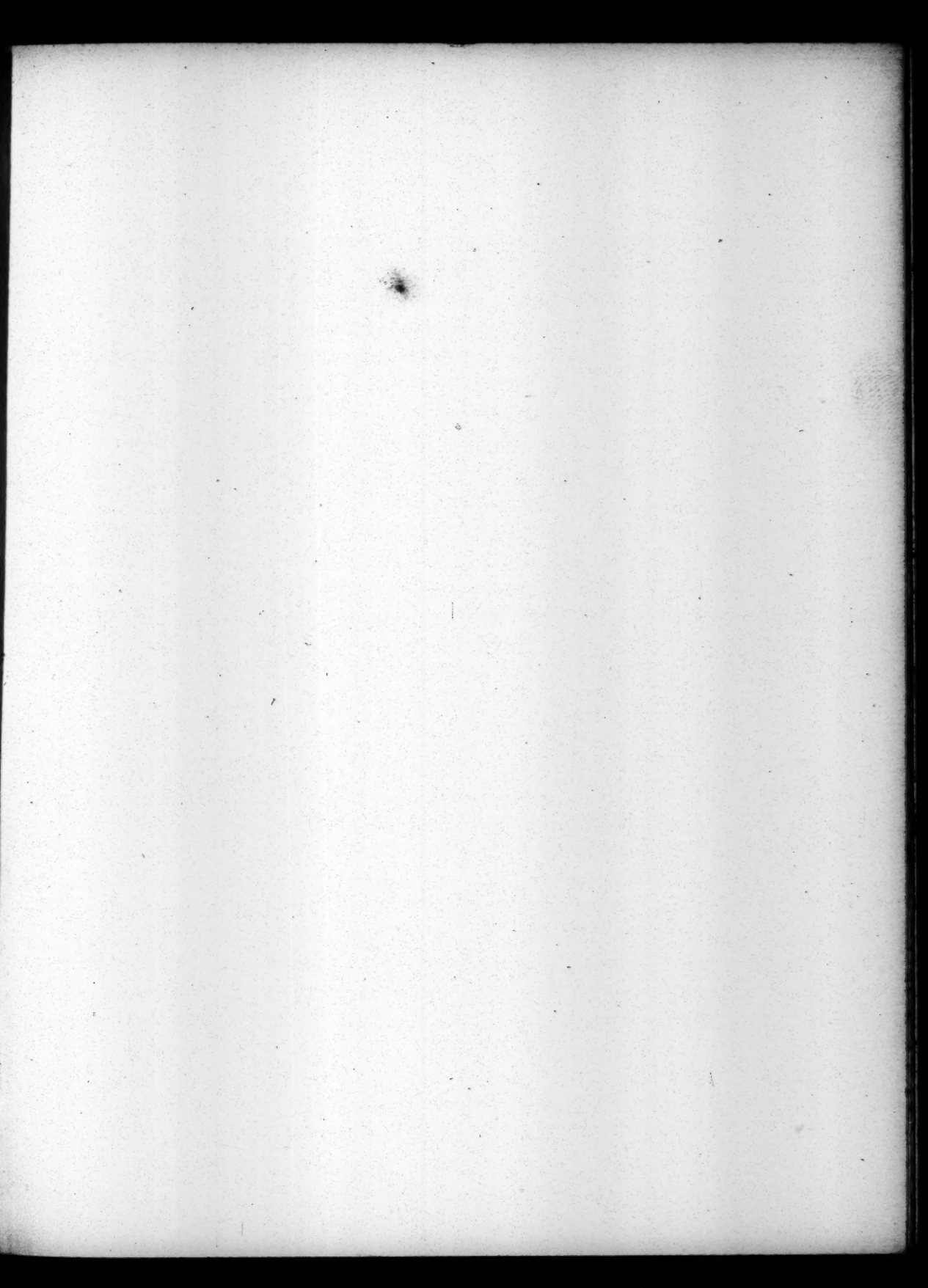


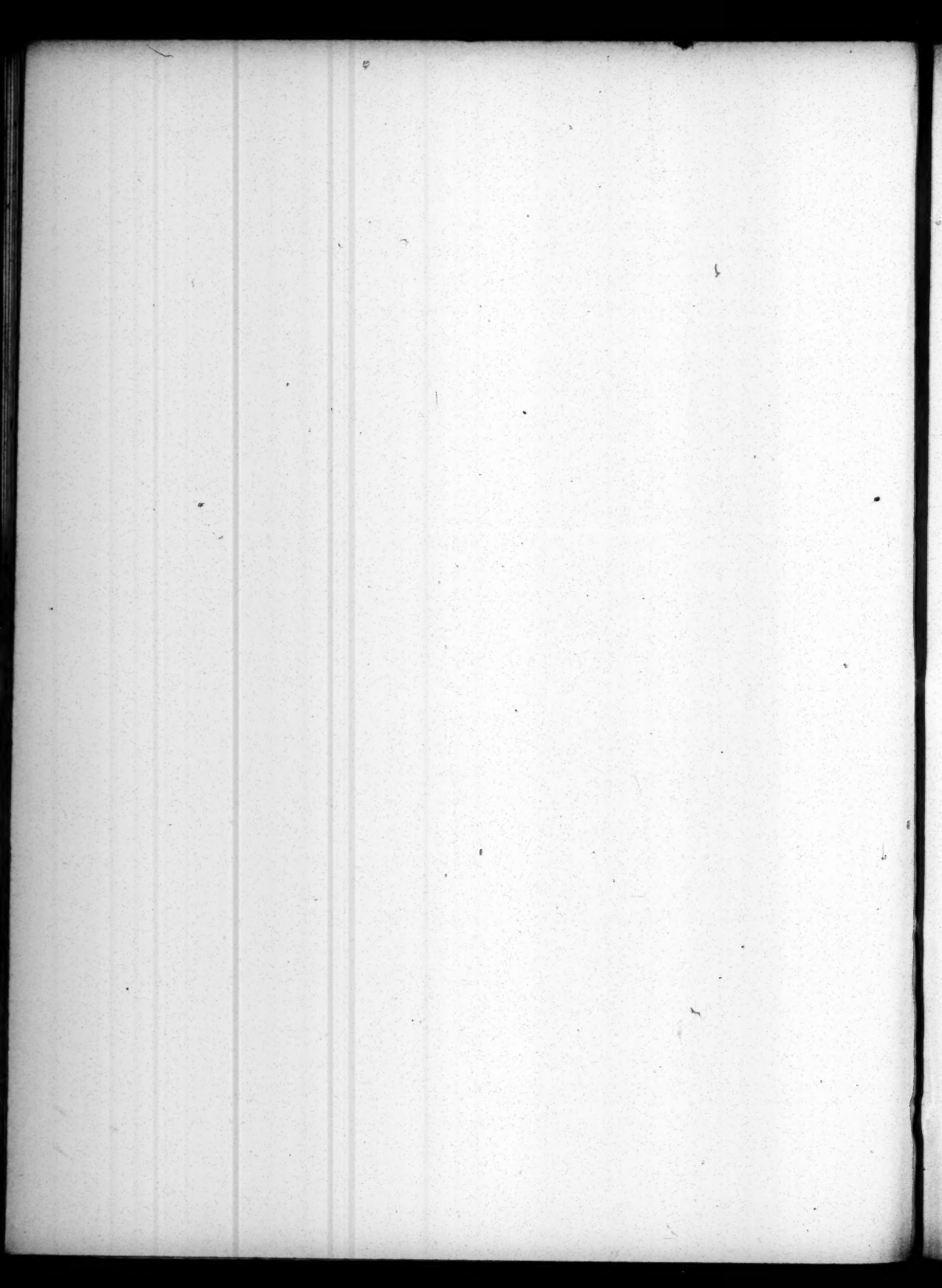


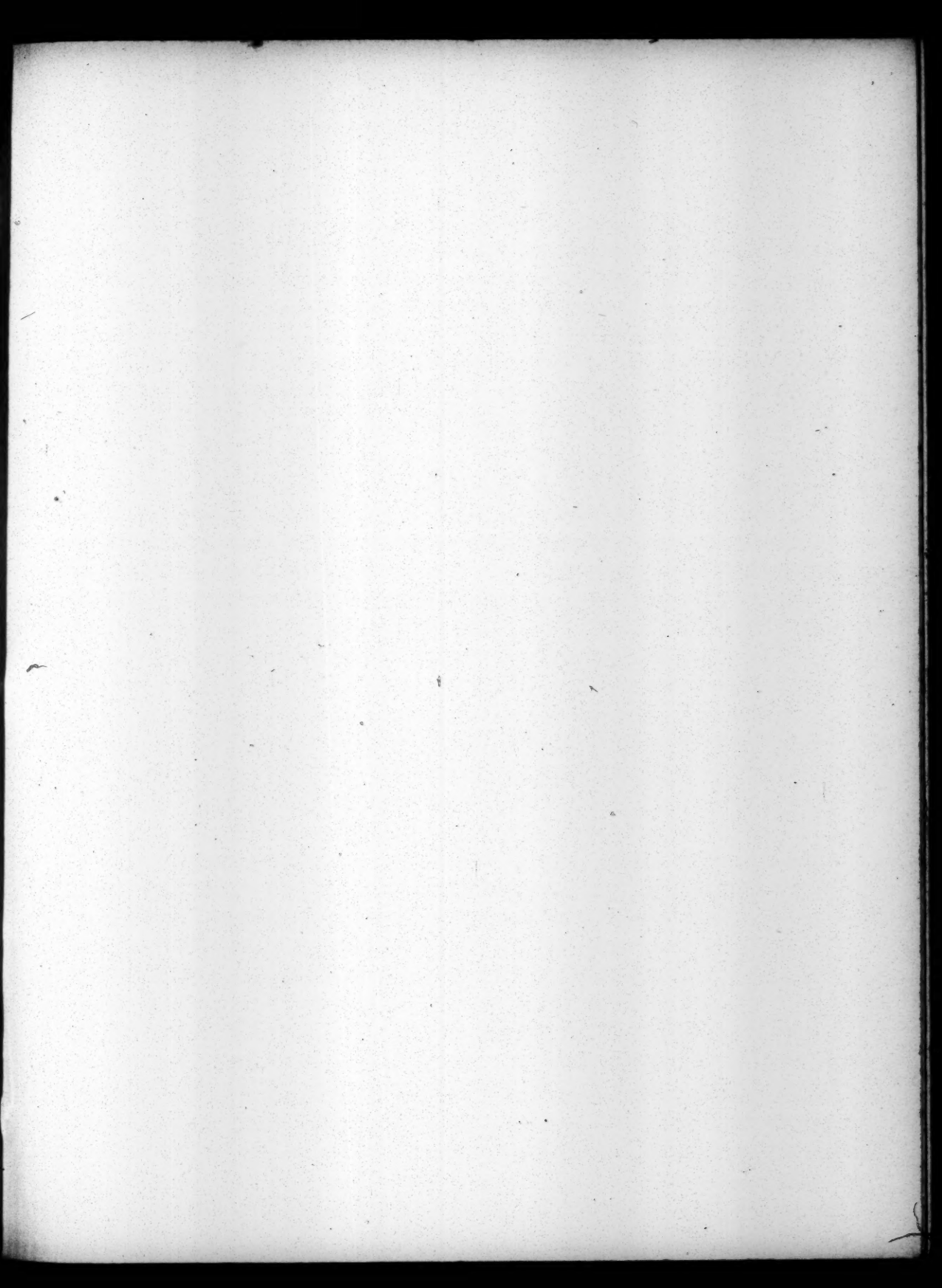


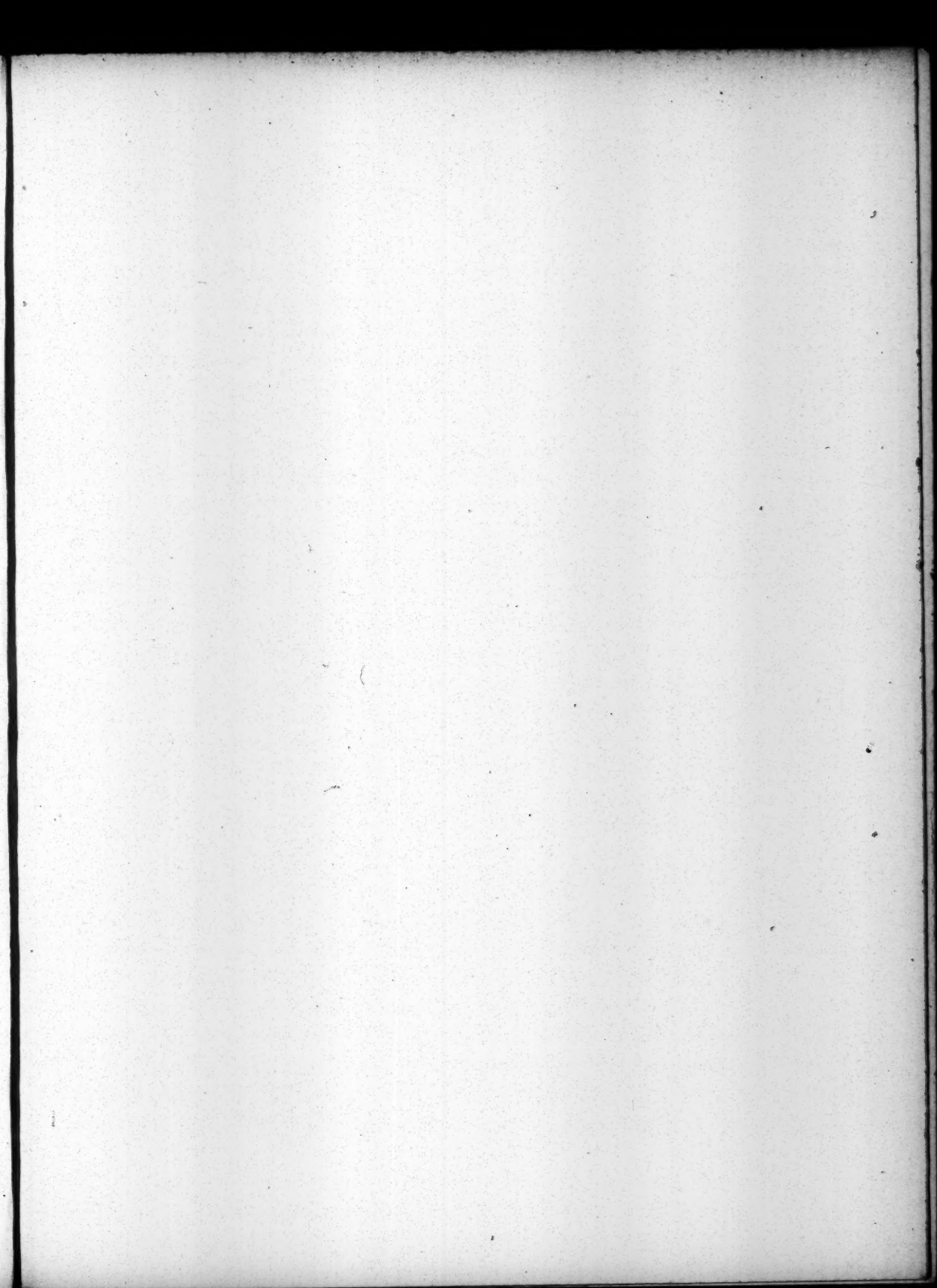


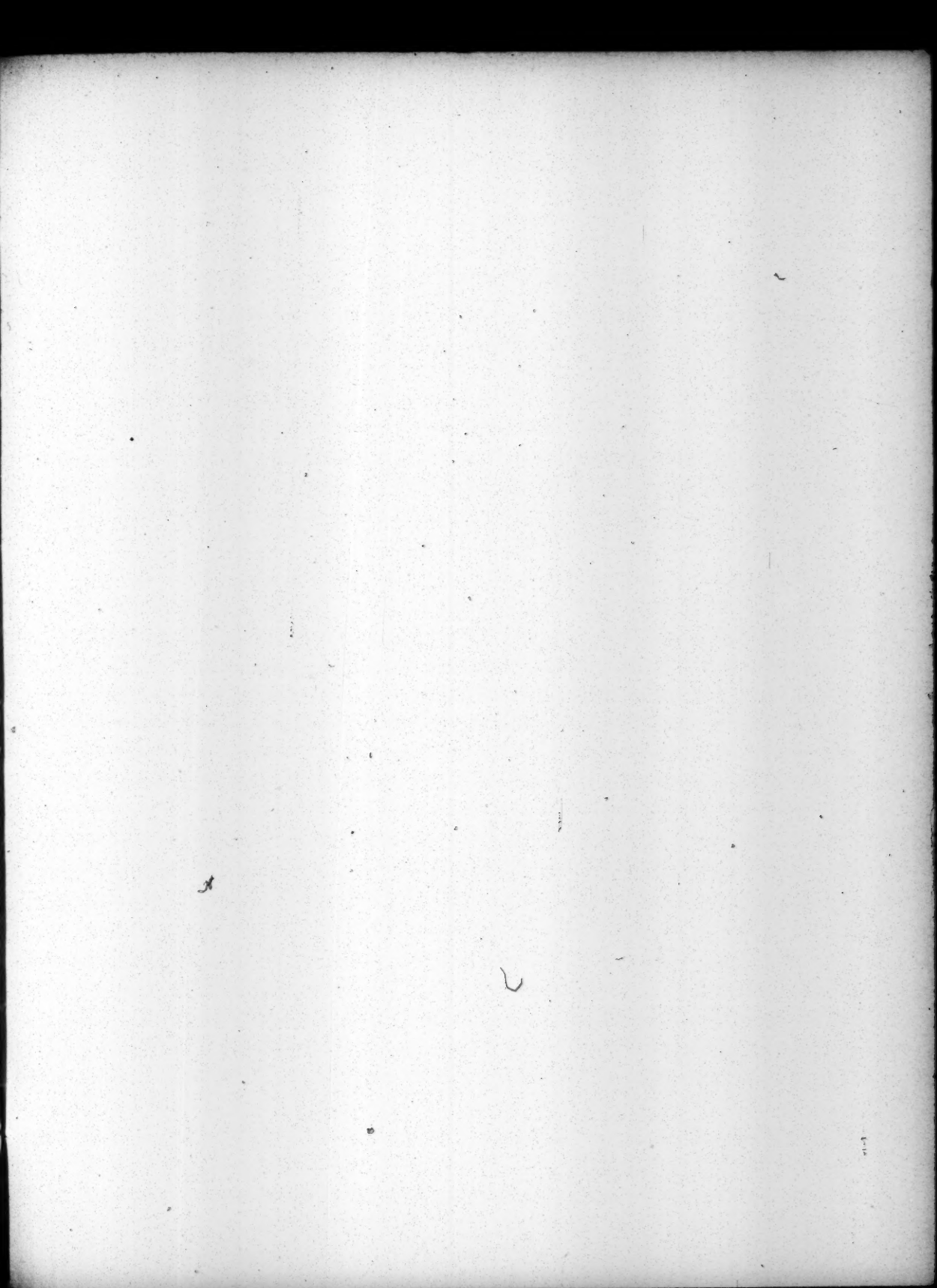


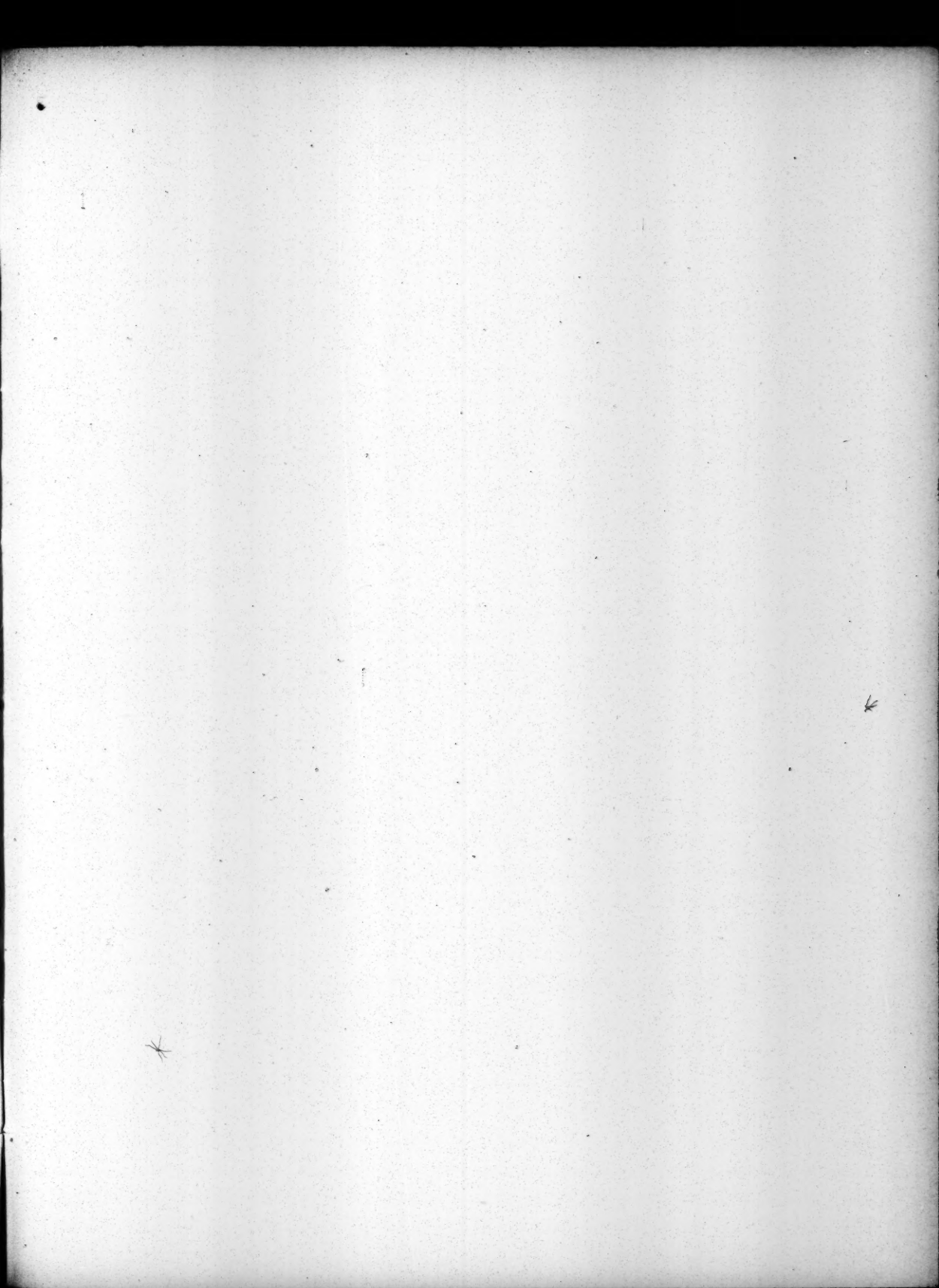




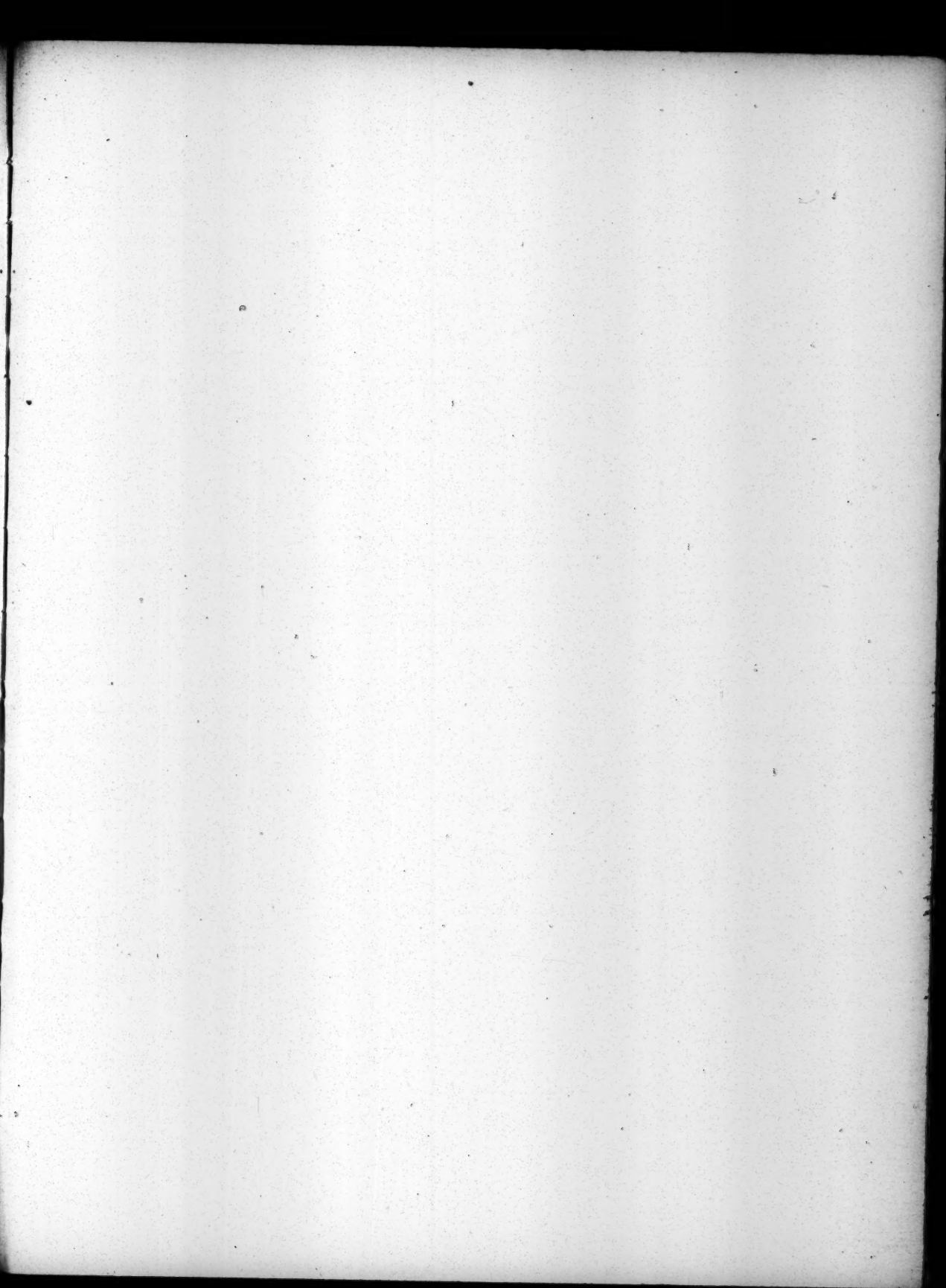




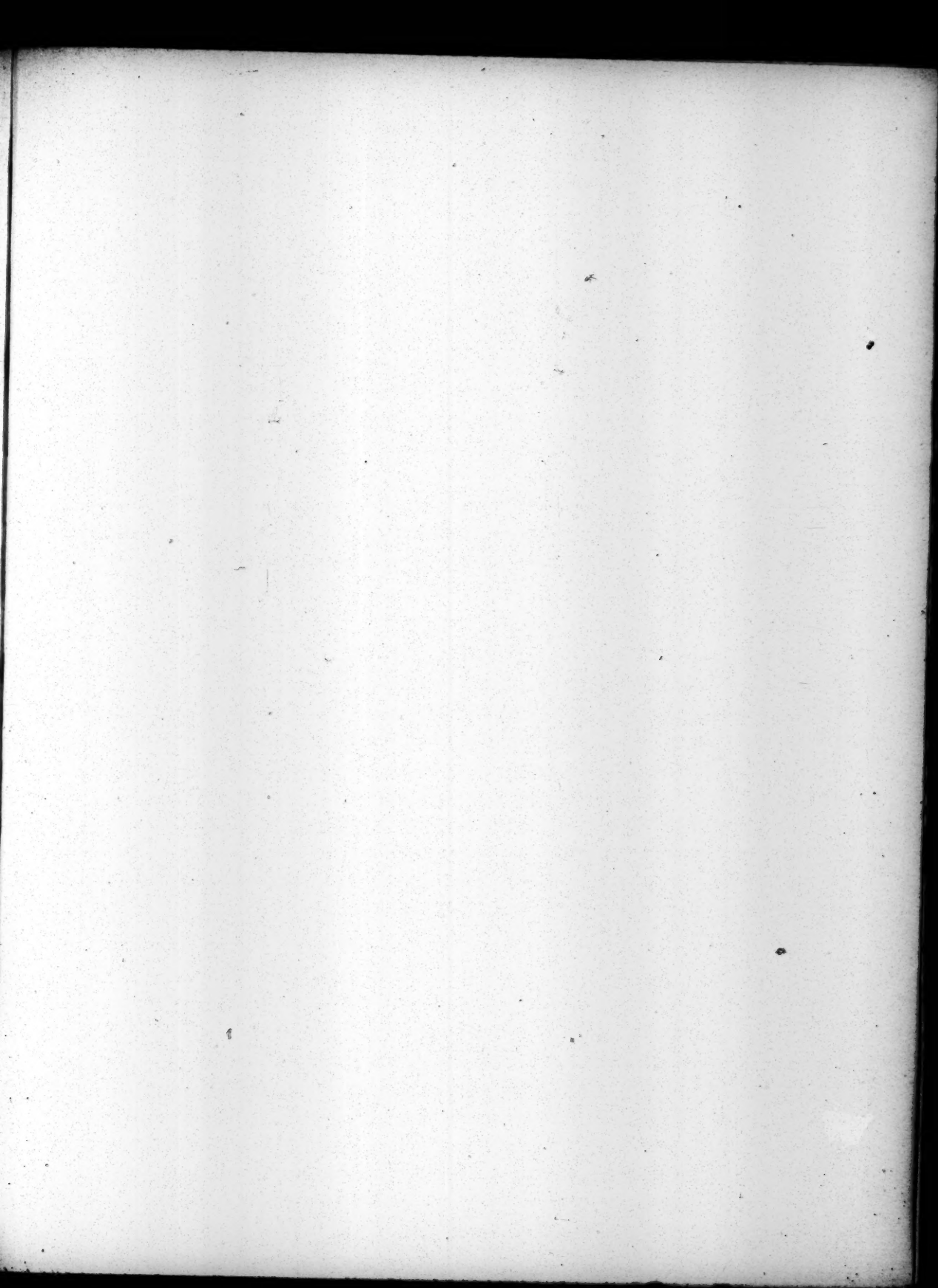


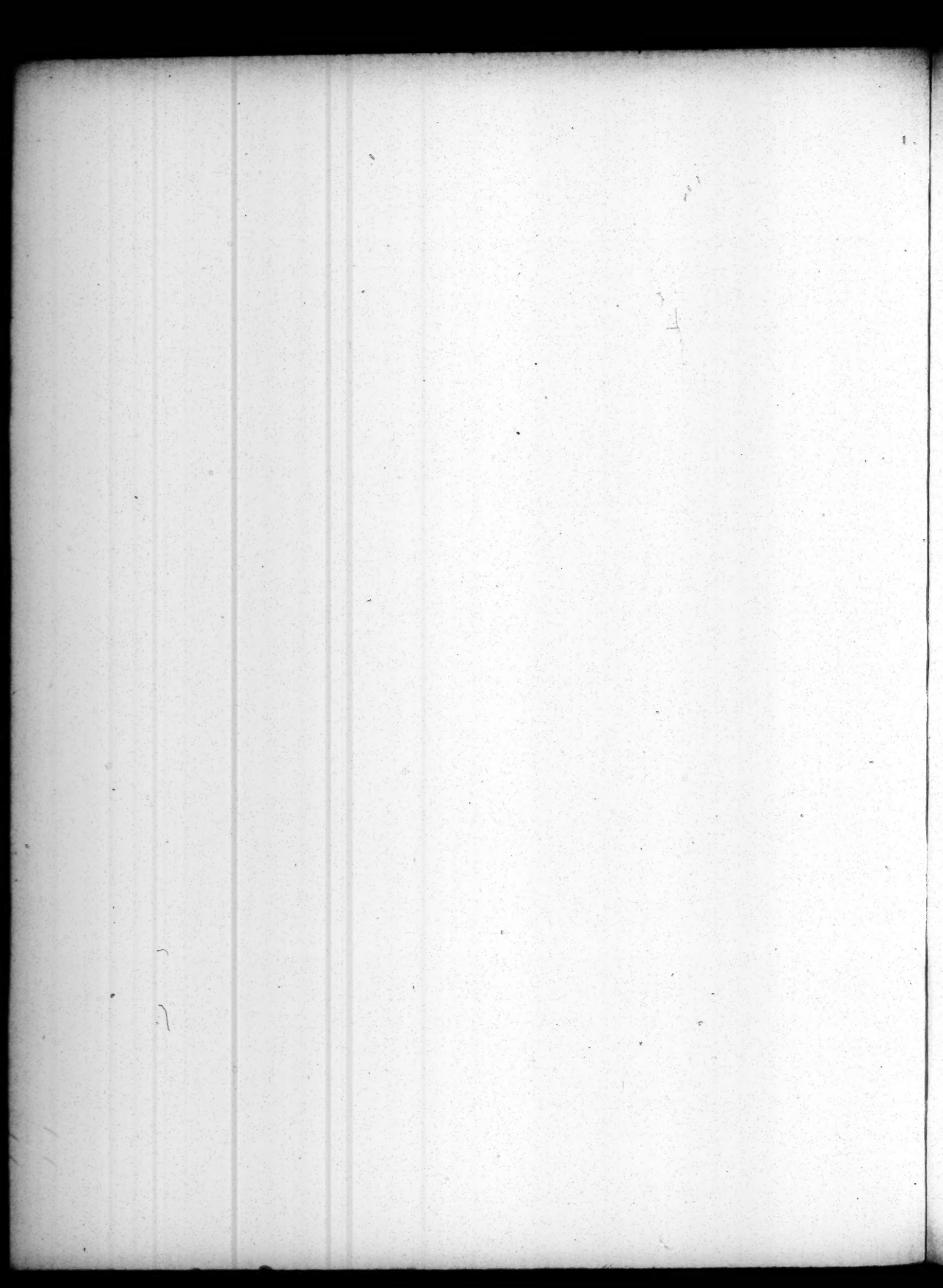














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